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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,746	12/19/2001	Michael Hock	4680-00001	7652

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,746

Applicant(s)

HOCK, MICHAEL

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Information Disclosure Statement

The information disclosure statement filed January 23, 2003 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office, i.e., form 1449 or an equivalent thereto. The references have been placed in the application file, but the European and German Patent Publication Nos. 0 977 331 and 39 34 590 have not been considered.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "[t]he present invention relates to" on line 1 can be easily implied and therefore should be deleted. On line 7, the reference to figure 2 should be deleted since it is unnecessary for U.S. patent prosecution. Finally, the abstract is objected to because it does not describe the U-shaped nature of the supporting frame, the window gutter profiles or the reinforcement plates. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “light” on line 2 of claim 1 render the claims indefinite because they are relative terms whose meaning cannot be readily ascertained from the claim language or the specification. Recitations such as “the U-stay” on line 5 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as “which is” on line 5 of claim 1 render the claims indefinite because it is unclear which one of the plurality of gutter profiles set forth above the applicant is referring to.

Recitations such as “said window gutter profile” on line 6 of claim 1 render the claims indefinite because it is unclear which one of the plurality of gutter profiles set forth above the applicant is referring to. Recitations such as “comprising” on line 12 of claim 1 render the claims indefinite because it is unclear what element of the invention the applicant is referring to. Recitations such as “a pressed part or a deep-drawn part” on lines 19-20 of claim 1 render the claims indefinite because it is unclear which one of the two non-equivalent alternatives the applicant is positively setting forth. Recitations such as “the inside skin” on lines 2-3 of claim 3 render the claims indefinite because they lack antecedent basis. Recitations such as “1” on line 2 of claim 5 should be enclosed in parentheses to avoid confusion. Recitations such as “namely” on line 3 of claim 6 render the claims indefinite because it is unclear if the applicant is referring to all

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of the connection regions or to only those enumerated connection regions. Recitations such as "reinforcement and connection sheets" on line 2 of claim 7 render the claims indefinite because it is unclear how the reinforcement sheets differ from the connection sheets. Recitations such as "means" on line 4 of claim 14 render the claims indefinite because the applicant has attempted to use "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding or following "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-13, 18, 19, 24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widrig et al. in view of German Patent Publication No. 196 16 788. Widrig et al. discloses a lightweight door for motor vehicles comprising an essentially U-shaped supporting frame made from light metal, wherein the supporting frame comprises a hinge support 12 forming one U-limb, a lock support 13 forming the outer U-limb and a door bottom 11 forming the U-stay, comprising a lateral impact protection element 14 arranged in the supporting frame, with ends of the impact

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protection element being permanently connected to the supporting frame, wherein the lateral impact protection element is an extruded profile made from light metal, comprising a window frame 18, 19 made from light metal, wherein the ends of the window frame are permanently connected to the supporting frame, wherein the supporting frame is made in one piece as a deep drawn part, an outer skin 123. Widrig et al. is silent concerning inner and outer window gutter profiles.

However, German Patent Publication No. 196 16 788 discloses inner and outer window gutter profiles 6.

It would have been obvious to one of ordinary skill in the art to provide Widrig et al. with gutter profiles, as taught by German Patent Publication No. 196 16 788, to provide a sealing surface between the vehicle door and the window pane.

Claims 7, 8, 9, 15, 16, 17, 20-23, 25 and 29-31, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Widrig et al. in view of German Patent Publication No. 196 16 788 as applied to claims 1-6, 10-13, 18, 19, 24 and 26-28 above, and further in view of Cho. Cho discloses a reinforcement sheet 3.

It would have been obvious to one of ordinary skill in the art to provide reinforcement sheets, as taught by Cho, to increase the strength of the door where needed.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widrig et al. in view of German Patent Publication No. 196 16 788 as applied to claims 1-6, 10-13, 18, 19, 24 and 26-28 above, and further in view of Dunneback.

Dunneback discloses the use of brackets 32, 34 to attach a side impact reinforcement beam to a vehicle door.

It would have been obvious to one of ordinary skill in the art to provide Widrig et al., as modified above, with brackets, as taught by Dunneback, to increase the ease with which the door can be manufactured.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukumoto et al., Weber, Szerdahelyi et al., Nakamori, Ritchie, Gooding et al., Presto, Sakaguchi et al., Mrozowski et al. and Baldamus et al. are cited for disclosing a vehicle door construction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

2168

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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October 1, 2003